



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/772,136
Applicant : McCann, Richard J.
Filed : February 4, 2004
TC/AU : 3724
Examiner : Landrum, Edward L.

Confirmation No. 4260

Docket No. : 104841.1
Customer No. : 23828

DECLARATION

1. My name is **Patrick D. Covert**.
2. I am the **Knife Editor of American Handgunner magazine**.
3. **I have been writing articles about knives for at 14 years**.
4. My training is **book author and freelance journalist**.
5. My formal education and training in this field is **college education and 20 years as an author and journalist**.
6. I am very familiar with others' designs of folding, locking knives, all of which use some form of leaf or coil spring to bias a member into position to lock the blade.
7. Bending springs, whether leaf or coil, made of metal or any other material are susceptible to fatigue and/or breakage, which can result in mechanical failure.
8. I am familiar with the design and operation of a gas spring in the form of a sealed piston/cylinder unit and have been for many years.
9. I am familiar with Richard McCann's locking, folding knife design. It includes a handle, a movable blade, a latch member, and a gas spring. The gas spring includes a movable

10. wall (piston) that partially defines a substantially sealed, variable volume chamber (cylinder) containing a gas and the movement of the latch member causes the movable wall to reduce the volume of the chamber, thereby compressing the gas to create spring force against the latch member.

10. In my opinion, based on my experience with designing and making knives, McCann's design using this gas spring is unique and, although appearing very simple in hindsight, is not an obvious combination of known parts.

11. Despite the common knowledge of a retractable bolt knife design for at least 20 years, the known limitations of metal springs, and the general knowledge of gas springs, I am not aware of anyone, prior to Richard McCann's doing so, who has substituted a gas spring into this common knife design in order to overcome this known shortcoming.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, declares that the facts set forth above are true; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Date: 5/23/06

Name: Patrick D. Covert